

EXHIBIT “7”

In the Matter Of:

BRYSON V. ROUGH COUNTRY

2:22-CV-017-RWS

TROOPER ANDREW PHILLIPS

April 26, 2023



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April 26, 2023
36

1 had, what type.

2 If they -- if they were under the
3 influence of any alcohol or drugs, we do find
4 out what those levels are.

5 Q. What was determined as far as the
6 human factors that affected Hunter Elliott's
7 driving?

8 A. He was -- he was under the influ-
9 ence of alcohol notated by his blood results
10 in the case file.

11 He was -- he was also distracted.
12 He was -- he admitted and it was found later
13 that he did -- or -- or was on his cell phone
14 FaceTiming his fiancée at the time of the --
15 of the collision.

16 Q. And -- and the level -- the blood
17 draw for the blood alcohol, the level was
18 .252?

19 A. Yes.

20 Q. And this -- your report indicates
21 that was taken at 1:42 a.m.?

22 A. Yes.

23 Q. So the accident I will represent

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April 26, 2023

37

1 to you happened about 11:15 p.m.

2 So the blood draw was over two --
3 two and a half hours after the accident;
4 correct?

5 A. Yes.

6 Q. Would his blood alcohol level have
7 been higher had the blood draw been closer in
8 time to the actual accident?

9 A. Yes.

10 Q. And is that over the legal limit?

11 A. Yes.

12 Q. How much over the legal limit?

13 A. About a little over 3 times.

14 Q. And then there's a little bit of
15 information about the human factor analysis
16 for Santana Kelley, and can you tell me what
17 you determined for her?

18 A. That she -- that she was stopped
19 at the red light in the left lane on Georgia
20 2. She had a valid Class C license and then
21 she was transported to Erlanger Hospital for
22 serious injuries along with her baby that she
23 was pregnant with.

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April 26, 2023

38

1 Q. And did Mr. Elliott have a valid
2 driver's license?

3 A. No, they were suspend -- they were
4 suspended.

5 Q. And then looking at page 19, about
6 halfway down, and I'm just reading from the
7 middle of the report, "Based on the analysis
8 and review of the evidentiary materials and
9 interviewing some of the drivers and witnes-
10 ses involved in the collision, the following
11 facts and conclusions are offered."

12 Did you eventually come to the
13 conclusion Ms. Kelley was, in fact, stopped
14 at a stoplight --

15 A. Yes.

16 Q. -- when the accident occurred?

17 A. Yes.

18 Q. Just try to let me finish the
19 question.

20 A. I'm sorry.

21 Q. I'm not trying to be mean. I just
22 want a clear record.

23 And looking down just further down

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April 26, 2023

39

1 the page, what was your conclusion about the
2 proximate cause of the accident?

3 A. That Mr. Hunter Elliott operated
4 is vehicle in a reckless and unsafe manner
5 while under the influence of alcohol.

6 Q. And what else did you determine as
7 far as what his actions resulted in?

8 A. He -- his -- Mr. Elliott's actions
9 were the direct cause or the -- sorry -- the
10 direct result of the death of Cohen Bryson.

11 Q. And did you base your conclusion
12 as to the proximate cause of the accident on
13 your investigation of the accident, gathering
14 facts, gathering evidence, interviewing of
15 witnesses, and then also communicating with
16 other members of the SCRT Team?

17 A. Yes.

18 Q. And then if you could turn to
19 quickly the scaled diagram at page 21 through
20 26.

21 A. Okay.

22 Q. Did you create these?

23 A. Yes.

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April 26, 2023

40

1 Q. What's the purpose of these?

2 A. Well, we -- we always do -- we
3 always do forensic mapping of -- of every
4 scene that we do to this magnitude and this
5 is our forensic mapping.

6 Q. And then if you could turn to page
7 35.

8 A. Okay.

9 Q. Roadway Information is listed on
10 this page and -- and, just to clarify, you
11 did not find -- or, correct me if I'm wrong;
12 but you did not find that there was anything
13 with the roadway that contributed to causing
14 this accident?

15 A. No.

16 Q. Is that correct?

17 A. That's correct.

18 Q. Then, turning to page 37 and 38,
19 this is the Driver 1, Hunter Elliott.

20 And what did you determine as far
21 as his driver's attitude contributing to the
22 collision?

23 A. That he was driving under the

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April 26, 2023

41

1 influence of alcohol.

2 Q. And then what about with regard to
3 the use of the phone?

4 A. Yeah, he stated that he was on a
5 -- FaceTiming his fiancée at the time.

6 Q. And did you determine that to be
7 another contributing factor?

8 A. Yes.

9 Q. I want to move to the Vehicle 1
10 Information, which starts around page 69, I
11 believe.

12 Vehicle 1 would be the Ford F-250
13 Mr. Elliott was driving; is that correct?

14 A. Yes.

15 Q. Can you tell me what -- on page 73
16 what is the information that starts on that
17 page?

18 A. This is the CDR Bosch Report from
19 that -- Hunter Elliott's F-250.

20 Q. And have you ever done a Bosch CDR
21 download before?

22 A. Yes.

23 Q. Did you do the one for the F-250?

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April 26, 2023

43

1 quantify how many bigger?

2 A. I do not.

3 Q. Do you have an understanding of
4 how a bigger tire affects a vehicle's speed-
5 ometer speed reading versus the actual speed
6 of that vehicle?

7 A. Very little.

8 When we -- normally we do -- when
9 we do these we -- we have a website that we
10 go on and it calculates it for us. We put in
11 the recommended tire size and then we put in
12 the actual tire size on the vehicle and it
13 tells us what -- if there's a difference in
14 the -- in the speedometer with the actual
15 tires on it.

16 Q. You say "very little" but which
17 way does it -- does it impact it?

18 A. Are you talking about on this
19 particular one?

20 Q. Yeah. If you have a bigger tire
21 than what's recommended, how does that impact
22 the actual speed versus what the speedometer
23 says?

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April 26, 2023

44

1 A. It -- it would impact it a little
2 bit, yes. I mean, it varies -- it varies.
3 It just depends on the size of the tire.

4 Like if you have an enormous big-
5 ger tire on -- on there than recommended, it
6 may impact it -- it may impact it 5 to 10
7 miles an hour; but, if it's relatively close
8 in -- to the same size, it may not affect it
9 as much as that.

10 Q. So are you saying -- what I guess
11 I'm trying to understand is, was the actual
12 speed, when you say "5 to 10 miles an hour,"
13 faster or slower than --

14 A. Faster.

15 Q. Faster.

16 A. Yes.

17 Q. Than what you would be reading on
18 the speedometer?

19 A. Yes.

20 Q. Okay. If you could turn to page
21 78, please.

22 A. Okay.

23 Q. And we are still on the -- the

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April 26, 2023

60

1 North Georgia. I don't know if you call it
2 North -- do you call it North Georgia, North-
3 west Georgia?

4 A. I just call it North Georgia.

5 Q. North Georgia. Okay.

6 Limiting it to your time in the
7 last 12, 13 years working as a trooper, have
8 you seen pickup trucks on the road with lift
9 kits that raise the vehicle above the origi-
10 nal height that they would come out of the --
11 that they would be sold?

12 A. Yes.

13 Q. And then -- so, not just limiting
14 to your time work as a trooper but just over
15 the course of your life growing up in this
16 area, have you seen lifted trucks out on the
17 roadway?

18 A. Yes.

19 Q. How -- how often would you say you
20 see lifted trucks on the roadway? Is this a
21 daily occurrence, weekly occurrence?

22 A. It's probably daily.

23 Q. And would you say -- strike that.

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BRYSON V. ROUGH COUNTRY

April 26, 2023

64

1 you wouldn't know how to do the measurement
2 of what the -- tell me what your answer was
3 for that again.

4 A. I would not know how the measure
5 the -- say a lift or the suspension on the
6 vehicle to determine whether it was factory
7 stock or if it was illegal per the statute.

8 Q. And so Georgia State Patrol SCRT
9 Team, none of the law enforcement training
10 that you've ever been provided teaches you
11 how to enforce that statute and do the mea-
12 surements that you need to be able to do?

13 A. No.

14 Q. It does not?

15 A. No. I've never been through
16 training to measure that.

17 Q. Okay. And no one's ever given you
18 instruct -- instructions around here, like in
19 the field "Hey, this is how you do it, you
20 need to write tickets for this"?

21 A. No.

22 Q. You would agree with what I said?

23 A. Nobody has ever done that.